

AMENDED IN ASSEMBLY MAY 1, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 126

Introduced by Assembly Member Hall

January 14, 2013

An act to amend Section 11273 of the Business and Professions Code, relating to real estate.

LEGISLATIVE COUNSEL'S DIGEST

AB 126, as amended, Hall. Time shares: management and governance.

The Vacation Ownership and Time-share Act of 2004 requires a time-share association to maintain among its records a complete list of the names and addresses of all owners of time-share interests in the time-share plan. The list is required to be updated at least every 6 months. *Existing law prohibits the association from publishing the list or providing a copy of it to any time-share interest owner or to any 3rd party, or using or selling the list for commercial purposes, unless otherwise provided in the time-share instruments.*

This bill would instead require the time-share association to maintain a complete list of the names and postal addresses of all owners of time-share interests in the time-share plan and to update the list at least every 12 months. *The bill would revise provisions applicable to release of the list, by deleting authority for the time-share instruments to provide for its release, and instead requiring the association to obtain an owner's consent to the sharing of their contact information in accordance with specified existing law. This bill would require that contact information for owners who do not consent to be shared in a*

designated manner in response to a member's demand, but not to be provided directly to a member as specified under an existing provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11273 of the Business and Professions
2 Code is amended to read:

3 11273. (a) The books of account, minutes of members and
4 governing body meetings, and all other records of the time-share
5 plan maintained by the association or the managing entity shall be
6 made available for inspection and copying by any member, or by
7 his or her duly appointed representative, at any reasonable time
8 for a purpose reasonably related to membership in the association.

9 (b) The records shall be made available for inspection at the
10 office where the records are maintained. Upon receipt of an
11 authenticated written request from a member along with the fee
12 prescribed by the governing body to defray the costs of
13 reproduction, the managing entity or other custodian of records of
14 the association or the time-share plan shall prepare and transmit
15 to the member a copy of any and all records requested.

16 (c) The governing body shall establish reasonable rules with
17 respect to all of the following:

18 (1) Notice to be given to the managing entity or other custodian
19 of the records by the member desiring to make the inspection or
20 to obtain copies.

21 (2) Hours and days of the week when a personal inspection of
22 the records may be made.

23 (3) Payment of the cost of reproducing copies of records
24 requested by a member.

25 (d) Every governing body member shall have the absolute right
26 at any time to inspect all books, records, and documents of the
27 association and all real and personal properties owned and
28 controlled by the association.

29 (e) The association shall maintain among its records a complete
30 list of the names and postal addresses of all owners of time-share
31 interests in the time-share plan. The association shall update this
32 list no less frequently than every 12 months. Unless otherwise
33 provided in the time-share instruments *this section*, the association

1 may not publish this owner's list or provide a copy of it to any
2 time-share interest owner or to any third party, or use or sell the
3 list for commercial purposes.

4 *(f) For a time-share association that is nonprofit mutual benefit*
5 *corporation, the association shall provide owners with the*
6 *opportunity to give written consent to the release of contact*
7 *information when members seek the release of this information*
8 *under Section 8330 of the Corporations Code. Upon a member's*
9 *request, the association shall release the contact information, as*
10 *provided in paragraphs (1) and (2) of subdivision (a) of Section*
11 *8330 of the Corporations Code.*

12 *(1) Contact information for those owners who provide consent*
13 *may be shared as prescribed in paragraphs (1) and (2) of*
14 *subdivision (a) of Section 8330 of the Corporations Code.*

15 *(2) Contact information for those owners who do not provide*
16 *consent may not be shared with a member, and the association*
17 *shall use an alternative method, as prescribed in subdivision (c)*
18 *of Section 8330 of the Corporations Code, that reasonably and in*
19 *a timely manner accomplishes the proper purpose set forth in a*
20 *demand.*

21 ~~(f)~~

22 *(g) For single site time-share plans and component sites of a*
23 *multisite time-share plan located outside of the state, the association*
24 *shall be subject to the provisions set forth in this section. The*
25 *association must be in compliance with the applicable laws of the*
26 *state or jurisdiction in which the time-share property or component*
27 *site is located, and if a conflict exists between laws of the situs*
28 *state and the requirements set forth in this section, the law of the*
29 *situs state shall control. If the association and the time-share*
30 *instruments provide for the matters contained in this section, the*
31 *association shall be deemed to be in compliance with the*
32 *requirements of this section and neither the developer nor the*
33 *association shall be required to make revisions to the time-share*
34 *instruments in order to comply with the section.*